



The Planning Inspectorate

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D Arnold-Forster OBE, TD, National Park Officer
North Yorkshire Moors National Park
North Yorkshire County Council
The Old Vicarage, Bondgate,
Helmsley, York
YO6 5BP

Your Ref: NYM4/034/2517A/AA

Our Ref: APP/W9500/H/98/1749

Date:

29 JAN 1999

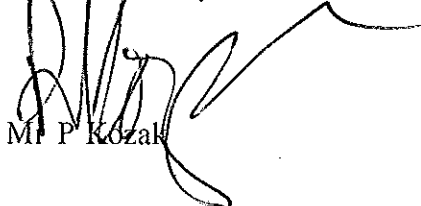
Dear Sir/Madam

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1992

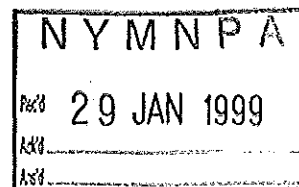
APPEAL: A169, Blue Bank, Sleights

I refer to the above appeal and enclose a copy of the Inspectorate's letter giving the Secretary of State's decision.

Yours faithfully



Mr P Kozak





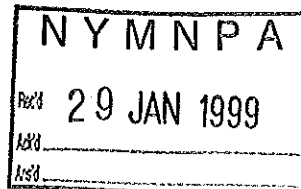
The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Mr Michael Berkeley
Nestling House
Littlebeck, Whitby
North Yorkshire
YO22 5EY



Your Ref:

Our Ref: APP/W9500/H/98/1749

Date: 28 JAN 1999

Dear Sir

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

APPEAL: Land adjacent to the A169, Blue Bank, Sleights
APPLICATION NO: NYM4/034/2517A/AA

1. I have been appointed to determine your appeal, against the North Yorkshire Moors National Park Authority's refusal to permit the display, at the above mentioned site(s), of two non illuminated advance directional signs each measuring 1.04m by 0.18m; one at an overall height of 1.73m - the other at 1.9m.
2. My decision has been made on the basis of the representations made on 12 January 1999 at Sleights Village Hall, together with the submitted written documentation including photographs, and my inspections of the site(s) both before and after the Hearing.
3. Although it was not mentioned in their reasons for refusal, or their statement, the National Park Authority at the Hearing stated that the appeal sites are within an Area of Special Control of Advertisements. They subsequently confirmed this in writing and I have taken this special designation into account for the purposes of this appeal.
4. Subject to the above, I accept the general descriptions of the appeal sites and their surroundings as set out in the National Park Authority's statement, received in the Inspectorate on 18 December 1998.
5. The National Park Authority clearly share the concern of the County highways authority, that the allowance of the appeal signs would create an undesirable precedent, leading to a proliferation of roadside signs and undue distraction for drivers to the detriment of highway safety. In that connection, however, under the Regulations they would not be

inhibited from dealing with any subsequent applications, or indeed reviewing any existing displays in their area, on their individual planning merits. It follows that previous appeal decisions should always be interpreted restrictively; as the official view on the individual merits of particular cases.

6. You have stressed that there is a commercial need for the proposed advance signs. At the Hearing you were supported by a representative of the Federation of Small Businesses. The National Park Authority explained that they have regard to the social and economic well being of the Park communities when making decisions; and that they seek to balance commercial signage with landscape conservation in a way which is in line with the objectives of the Park designation. To that end, they permit modest signage to certain commercial outlets which rely on passing trade, notably hotels and guest houses.

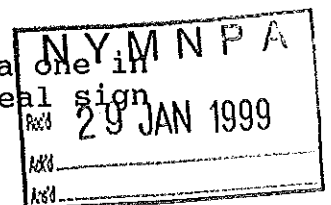
7. I acknowledge that outdoor advertising can play an important part in encouraging small businesses and attracting trade. And the question whether signs are reasonably required may be a factor to be taken into account in an area of special control. However, as the Regulations generally are exercisable only in the interests of amenity and public safety, it is these considerations, rather than commercial need, or advantage, which must be decisive in my determination of this appeal.

8. You have commented at some length on what you consider to be a plethora of unsightly advance directional and other signs denoting commercial outlets within the National Park. At the Hearing you submitted photographs of signs in sensitive areas to support your views. On the basis of your photographic survey of existing signs, and the Park Authority's refusal of the appeal signs, you clearly feel an acute sense of injustice.

9. Some of the existing signs enjoy express or deemed consent; but the Park Authority acknowledge that most are unauthorised. Apparently, they have experienced problems when trying to take effective enforcement action in the past but are now embarked on a more meaningful review of signs in their area. In any event, under the Regulations the local planning authority may disregard any advertisements being displayed in a locality, when assessing its general characteristics and its suitability for the display of particular advertisements. The Park Authority clearly exercised that discretion in determining your application in the present case.

10. I now turn to the specific objections to the proposed signs and deal first with the question of public safety. The official objections are that the signs would distract the attention of drivers in competition with official signs; at the same time encouraging sudden, unplanned manoeuvres, particularly right turning traffic across this potentially dangerous stretch of road.

11. The sites adjoin a very steep hill, denoted as a one in five overall gradient on the A169. The southern appeal sign



would be displayed on the western side of the principal road, about 120m before its officially sign-posted junction with the C224 Little Beck road. The northern sign would be displayed on the eastern side of the junction, some 60m in advance of the same junction. Both signs would denote "Bird Artist" against a simple directional element, in white on a background colour to be determined. The related bird-artist studio/gallery is part of a dwellinghouse located about 1km to the south east of the junction, and approached along a winding country lane.

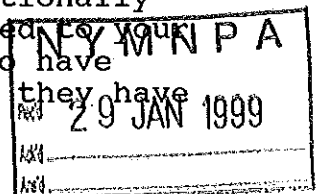
12. The highway authority have highlighted the poor accident record in the vicinity and their measures to promote road safety. These include extensive signing including chevrons and flashing roadside signs together with a sand-filled arrester lane to assist drivers who have lost control of their vehicles. They have also highlighted what they consider to be potentially dangerous manoeuvres particularly associated with vehicles turning right off Blue Bank. Despite these measures and concerns, right turns are still permitted and to some extent positively encouraged by the official indicators to Little Beck for north bound traffic along Blue Bank.

13. The southern appeal sign would also invite a right turn but would be seen well in advance of the official directional sign for Little Beck. Its simple message would be readily assimilated at a glance and in my opinion would allow drivers time to signal their intention to turn. The similarly presented northern sign would be sited closer to the junction, but would invite a simple left hand turn, again in advance of the official direction sign.

14. Oncoming drivers and those descending the steep hill are required to do so in low gear. Controlled traffic speeds therefore tend to be slow; and there is good forward visibility. Furthermore, the width of the splayed entrance to the Little Beck road is generous at about 20m and should allow all turning traffic to manoeuvre without unduly impeding the prevailing traffic flows. In these circumstances, I consider that the display of the appeal signs, as proposed, would not detract from the effectiveness of official signs or be so distracting as to create a hazard to, or endanger, drivers in the vicinity who were exercising a proper standard of care.

15. The local planning authority and the highway authority have urged me to consider the wider public safety issues, particularly as regards the additional traffic which might be encouraged to use the Little Beck road. The minor road varies between double and single lane width, with few passing places: in parts it is characterized by dips and blind summits on a sometimes tortuous alignment.

16. However there is fairly compelling evidence that the minor road has effectively served the Yorkshire Classic Rally and the Rose Queen Festival, both events which traditionally generate traffic levels far in excess of those related to the small bird-artist studio. Indeed local residents who have written in support of the appeal have confirmed that they have



neither experienced nor heard of any traffic problems associated with your business, even when advance signs were previously in position on Blue Bank. Furthermore, it is generally agreed between the parties that a small lay-by, apparently forming part of the curtilage of your premises, can reasonably accommodate 3/4 cars for visitors.

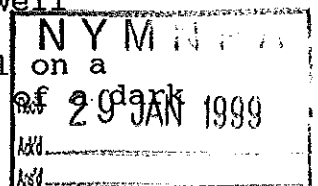
17. For these reasons, I consider in the prevailing circumstances that the display of the proposed signs would be unlikely to result in conditions prejudicial to highway safety, even in the wider area. However there is clearly increasing pressure on all roads in the area from tourism including visits to sites of topical interest. I therefore qualify my views by adding that any consent for these signs should be restricted to a period of three years. This would allow the local planning authority, and the highway authority, a chance to review the situation sooner than would otherwise be the case. Subject to that restriction, I conclude that the display of the appeal signs would not be against the interests of public safety.

18. As regards amenity; the sites are within the North York Moors National Park, and an Area of Special Control of Advertisements. These designations do not necessarily preclude the display of suitably sized and sited advance directional signs in relation to commercial premises, and this is clearly accepted in principle by the Park Authority. However it is to be expected that particular care will be taken over all such displays to ensure that they are in keeping with the character and appearance of the area.

19. The top of Blue Bank provides extensive views across scenic undulating countryside. However the appeal sites are effectively on the fringe of the village, well below the sky-line in a well treed setting and near a scattering of dwellings around the junction. On the approach from the south in particular, the extensive albeit necessary use of prominent road signs, notably large chevrons, flashing displays, and various warning signs, has had a material impact on local visual amenity. When seen in this general context, I consider that the appeals signs, each measuring 1.04m by just 0.18m, would not appear incongruous or unduly assertive.

20. I have taken particular account of their proposed display above attractive stone walls which undoubtedly contribute to the character of the area. However the signs with their shallow boards would be presented with strong horizontal rather than vertical emphasis and in my opinion would not stand out as particularly exposed or intrusive features, even in this setting effectively divorced from commercial activity. Furthermore, they would be seen against a background of scattered built development and trees which would also help to lessen their impact on their surroundings.

21. The use of strong colours for the boards might well appear in stark contrast to the subtle hues of the countryside. However you have suggested white detail colour to be determined; and I consider that the use



green background would be particularly well suited to this characteristically rural village location. I therefore conclude in all these circumstances that the display of the appeal signs, subject to a condition prescribing their background finish, would not be detrimental to the interests of amenity. I further conclude that, having regard to the nature and situation of the related premises, the signs would be reasonably required in this Area of Special Control.

22. For the avoidance of any further doubt, my finding on these proposals does not imply any disagreement with the generality of the Park Authority's amenity protection policies for their area, or that a comparable display in another location or other circumstances would necessarily be regarded as acceptable. Each proposal to display advertisements has to be determined on its particular planning merits.

23. In all these circumstances, I allow the appeal and grant consent for the display for 3 years from the date of this letter of the two non illuminated advance directional signs for your bird art studio/gallery, as applied for, subject to the following conditions:-

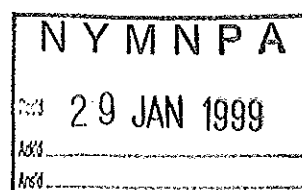
"The signs shall only be displayed with white lettering and directional element on a dark green background."

24. Please note that this letter does not give any approval or consent which may be required other than under Regulation 5 of the Regulations.

Yours faithfully



M R ROWE
Advertisement Control Officer
Planning Inspectorate (AA)5



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**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992
APPEAL TO THE HIGH COURT - APPLICABLE TO ALL APPEALS**

1. *Under the provisions of section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.*
2. *The grounds upon which an application may be made to the court are:-*
 - a) *that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or*
 - b) *that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.*
3. *The "relevant requirements" are defined in Section 288 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any Order, Regulations or Rules made under those Acts, or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning (Inquiries Procedure) rules 1974.*
4. *A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.*

INSPECTION OF DOCUMENTS - APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

It is the Inspectorate's policy to retain case files for a period of one year from the date on the Inspector's decision letter.

5. *Under the provisions of Rule 13(3) of the Town and Country Planning (Inquiries Procedure) Rules 1974 any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision, or the supply to him of the report, whichever is the later, for an opportunity of inspecting any documents, photographs, and plans appended to the report. Such documents etc. are listed in an appendix to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference No. shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least 3 days notice should be given, if possible.*

